

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

RALPH STELL, a minor by	:	
L.S.STELL, JR., his father	:	
and next friend, et al.	:	
	:	
-VS-	:	CIVIL ACTION NO. 1316
	:	
SAVANNAH-CHATHAM COUNTY	:	
BOARD OF EDUCATION, ET AL.	:	

MOTION TO INTERVENE

J.D. a minor, by R.D. his father and next friend, and
J.R. a minor, by T.R. his father and next friend, move for
leave to intervene as defendants in this action in order to
assert the defenses set forth in their proposed answer, a
copy of which is hereto attached. Movants respectfully show
that under current court rulings they may or will be bound by
the judgment rendered by the court in this action and there
are many issues which the present parties defendant to this suit
cannot afford adequate representation of movants interest.

Movants show that while they have not been parties in any
other case involving the questions here presented and are there-
fore not bound by the decision in any other case, they will be
bound by the decision in this case, because the Savannah-Chatham
County School Board will be bound.

Movants further show that said School Board does not adequately represent them, and if said School Board adequately represents movants it likewise adequately represents complainants and, therefore, movants are entitled to intervene if complainants are entitled to complain.

WHEREFORE, movants pray that this motion to intervene as defendants in this action be allowed.

SAVANNAH, GEORGIA

J. WALTER COWART

DALTON, GEORGIA

R. CARTER PITTMAN

MACON, GEORGIA

CHARLES J. BLOCH

NEW YORK, N.Y.

HARRY WEYHER
ATTORNEYS FOR MOVANTS

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PETITION FOR INTERVENTION

The petition of J.D. a minor, by R.D. his father and next friend, and J.R. a minor, by T.R. his father and next friend, residents of the City of Savannah, Georgia, in the County of Chatham, and all of whom are presently attending and are students of schools located in said city and county, and operated by and under the jurisdiction of the Savannah-Chatham County Board of Education, a public body corporate, under the management and direction of those named in the original complaint, respectfully show:

The claims and defenses for which petitioners seek intervention are as follows:

-1-

All of the "petitioners" named herein are caucasians and are students attending free public schools operated by the Savannah-Chatham County Board of Education.

-2-

The original "complainants" are of mixed blood or are negroes seeking admission to public schools under the supervision of the Savannah-Chatham County Board of Education which at the present time are attended only by caucasians.

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Petitioners seek to intervene in their own behalf and on behalf of all other caucasian children in Chatham County who are similarly situated and who might be similarly affected by any judgment and decree rendered in this case. The members of the class on behalf of which petitioners seek to intervene are so numerous as to make it impracticable to bring them individually before this court, but there are common questions of law and fact involved, and petitioners fairly and adequately represent the interest of those caucasians who desire not to be forced to intermix and congregate with complainants and others of their race in the common schools of Savannah and Chatham County.

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As part of their claim and defense these petitioners answer each specific allegation of the original complaint as follows:

(a) The allegations of paragraph 1 of the complaint are denied.

(b) The allegations of paragraph 2 of the complaint are admitted.

(c) In answer to paragraph 3 of the complaint it is admitted, for the purpose of this intervention, that all of the complainants are members of the negro race in the sense that each of them is negroid of the full or mixed blood, part caucasian and part negro, but it is alleged on information and belief that the complaining children are not average or representative of negroes in attendance upon the public schools in Savannah and Chatham County, because most of these attending negro schools are negroes of the full blood.

(d) The allegations of paragraph 4 of the complaint are admitted.

(e) The allegations of paragraph 5 of the complaint are denied. Further answering the allegations of said paragraph, petitioners affirmatively allege that attendance at the various public schools of Chatham County is not determined solely upon the basis of race and color but such attendance is determined by a number of other relevant factors which constitute a rational basis for separation of the divergent ethnic groups, as is hereafter more fully alleged.

Petitioners deny the allegation that the assignment of professional personnel is determined solely by the race and color of the children attending public schools and they allege that there are other factors which compel the separation of the ethnic groups involved in order that the school children of such groups may be efficiently and effectively educated, all of which will hereafter be more fully alleged. It is admitted that a majority of the teachers assigned to schools for colored children are of mixed blood because of their higher level of education. In said connection petitioners allege that said colored teachers receive higher pay on an average than do those who teach petitioners.

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average
June 11

(f) The allegations of paragraph 6 of the complaint are denied.

(g) The allegations of paragraph 7 of the complaint are denied.

(h) The allegations of paragraph 8 of the complaint are denied.

(i) The allegations of paragraph 9 and each sub-paragraph thereof are denied.

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Petitioners further allege that there are such inherent differences, disparities and inequalities between the ethnic group represented by complainants and that represented by petitioners as to form a rational basis for segregation in the

schools of Savannah-Chatham County, in the following particulars, among others:

(a) Actual differences in mental ability between the class of Savannah school children represented by complainants and the class of Savannah school children represented by petitioners is of such magnitude as to render it impossible for the generality of white children to be efficiently educated in the same schools or school rooms with the generality of colored children. The mean mental age of white school children in Savannah-Chatham County ranges from two to four school years ahead of the mean mental age of negro school children in Savannah-Chatham County, so that if negro and white children are educated in the same schools and in the same rooms with the same teachers white children in each class room will average from two to four years younger in chronological age than negro children. Disparities in mental age will result in such gross disparities in physical size, strength and biological maturity as to cause white children to suffer significant inferiority complexes with respect to their physical endowments and such as to cause negro children to suffer significant inferiority complexes with respect to their mental endowments. Petitioners allege that the lower capacities and efficiencies of the negro as to mental abilities, achievements, performance, and intelligence, and the lower capacities and efficiency of the whites as to physical abilities, achievements and

As in performance will cause serious antagonisms between the children
Washington D C, March 6, 1911.

and serious problems for teachers resulting in substantial damage to the hearts, minds and souls of both groups and materially reducing the educational opportunities which public schools are designed to afford. Forced integration of negroes and whites will deny to each group equal protection of the laws and equal opportunities for advancement in accordance with the natural endowments and potentials of both groups so that both groups tend to become equally suppressed into a mould of mediocrity.

(b) Petitioners allege that the difference in the socio-moral standards between white and negro students in Savannah and Chatham County is so significantly great that they may not by force be bridged in any one generation or in any one age. Petitioners further allege that the rates of behavioral delinquency, illegitimacy and the incidences of venereal diseases among negro children and their parents as compared with that among white children and their parents is so much greater that the enforced integration of petitioners and those they represent with said negro children will, of necessity, result in the cultural impairment of the whites without any corresponding cultural benefit to or uplifting of negroes. Petitioners allege that said ethnic group differences exist now and will continue to exist for the term of the petitioners presence in the public schools of Savannah-Chatham County.

Petitioners and the group represented by them have had no part or agency in causing said differences. Said differences are in whole or in part of biological origin which cannot be eliminated by environment or integration.

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Petitioners allege the following significant mental differences exist between Savannah-Chatham County negro school children and the white school children;

(1) The intelligence quotients of Savannah negro children are from 15 to 20 points, on the average, below those of Savannah whites. (2) Savannah negro overlap of white median I.Q.'s ranges from 10 to 25 per cent (equality would require 50 per cent). (3) About 6 times as many whites as negroes fall in the "gifted child" category. (4) About 6 times as many negroes as whites fall below 70 I.Q. - that is, in the feeble-minded group. (5) Negro-white differences in mean test score occur in all types of mental tests, but the negro lag is greatest in tests of an abstract nature, such as problems involving reasoning, deduction, comprehension. These are the functions called for in education above the lowest levels. (6) Differences between negro and white children increase with chronological age, the gap in performance being largest at the high school and college levels. (7) Large and significant differences in favor of whites appear when socioeconomic factors have been equated. *In general* (8) The greater the admixture of white blood the closer does the negro approach the white in performance

both in school and in after life. In this connection petitioners allege, on information and belief, that while mulattoes constitute about 30% of the total negro population in Savannah and in general, they constitute about 90% of the complainants, their parents, and their attorneys in this case. (9) The negro and the mixed blood child is more overtly emotional and less inhibited in his reactions than the white child. (10) All children exhibit in schools evidences of influences in their homes. (11) More than 25% of all Savannah negro school children are illegitimate while less than 2% of the white children are illegitimate. (12) Negroes constitute about 35%(?) of the population of Savannah and Chatham County but their crime rate for rape, murder, robbery and aggravated assaults is more than ten negro offenses for every white offense for like crimes(?). (13) For the nation as a whole the role of the negro in crime is shown in arrest figures released by the Federal Bureau of Investigation for 1960, a year in which negroes comprised about 10.5% of the total population. The figures from 2,446 cities containing 46 per cent of the nation's population are as follows:

	WHITE	NEGRO
Murder -----	1,536	2,511
Rape -----	2,459	2,778
Aggravated assault -----	15,856	26,819
Robbery -----	10,994	14,155
Burglary-----	66,130	33,536
Larceny -----	129,158	65,063
Auto theft-----	32,271	10,601

Can this be documented?

(14) Negro crime rates in areas of the United States where racial segregation does not exist as a matter of custom or law is more than twice as great, proportionately, as in those areas where segregation or social separation exists by custom or law.

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Petitioners allege that exacerbated tensions between different races has always been and will continue to be the most prolific cause of ^vviolence and jarring conflicts which cannot be planned, decreed or dreamed out of existence. Petitioners allege that irrespective of causal factors they, and those they represent, are not equipped to handle or to cope with problems of racial, and social intercourse necessarily resulting from enforced school integration, nor are the school teachers, white or colored, of Savannah-Chatham County equipped to handle disciplinary and teaching problems that will unavoidably result from enforced inter-racial social intercourse in Savannah-Chatham County schools.

-8-

Petitioners allege that they and the class they represent are equally entitled to every right to which negroes are entitled and if those represented by complainants are entitled to integrate with petitioners and those represented by them by reason of the fact that it will be uplifting to complainants and those they represent, then petitioners and those they represent are equally

entitled to integrate with some superior group in order that petitioners may likewise be uplifted, but petitioners seek no such specious remedy and they pray not to be forced to accept associations upon the theory that such associations will improve complainants. The enforced integration of petitioners and the group represented by them with those with materially lower standards of educability and lower social and moral standards would necessarily deprive petitioners and those represented by them of the superior educational opportunities afforded by superior associates which is claimed will be afforded to negro children by reason of their integration with petitioners. Petitioners allege that the only way one may have a superior associate is for the superior to have an inferior associate and if one is entitled by any law or rule of either to the benefit of high associates, the other by the same rule is entitled to be protected from low associates. *as evident*

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Without regard to causal factors, each of the petitioners and each of the group represented by petitioners share a common consciousness ~~anxious~~ of kin and kind which results in an atmosphere conducive to optimum social and intellectual growth and maturity. Tension resulting from physical, mental and moral disparities will impair educational processes and educational advancement of both negroes and whites, causing serious impairment of the mind.

negroes and whites. Segregation of races motivated by a sense of mental, moral, physical and psychological uniqueness is a consequence of genetic factors and a heritage of which color and race is merely a small part.

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Petitioners respectfully allege that significant differences between whites and negroes in intelligence levels, educational achievements, behavioral traits, socio-moral standards and incidences of diseases resulting from promiscuous sexual crimes occur not only in Savannah but occur in greater or lesser degrees in all other areas of the world where the two races live regardless of whether or not there exists legal or institutionalized racial segregation, therefore, segregation of races is not a cause but is a natural and rational consequence of such differences and disparities as exist between the ethnic groups involved in this case.

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no verb in clause

Racial differences in mental, physical, psychical, and behavioral traits between complainants and petitioners^{are} to a great extent, genetically determined and are a natural result of the biological processes of race formation. Petitioners allege, upon information and belief, the origin and formation of the various races of man^{result from} is the result of differential and adaptive selection of hereditary variations-arising from

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mutations and genetic drift - (in reproductively isolated populations,) with these differences then perpetuated and stabilized through continued isolation and in-breeding over long periods of time; that, in addition to significant and diagnostic anatomical, physiological, and bio-chemical differences among the major races of man, there are significant racial differences in cerebral morphology and physical constitution which are structurally related to racial differences in mental, physical, psychical and behavioral traits. Said differences constitute a rational basis for segregation of races in schools particularly among the young and immature, and such differences explain why all branches of federal, state and city governments in America *in selecting applicants for employment?* discriminate between negroes and mulattoes, choosing more than 85% from among mulattoes for all employments requiring thinking or executive abilities and said differences further explain why the NAACP has discriminated in favor of mulattoes and against negroes in selecting complainants and attorneys to represent them in this case and in all other cases in which the equality or inequality of races has been a determinant issue on the question as to a valid basis for differential classification.

Petitioners further allege that the operation of separate school systems for the two major racial groups (any groups constituting 20% of the population is a major group) in Savannah-Chatham County, Georgia, is not only rationally based upon experience but the same is rationally based upon the teachings of modern social science relating to the role of the racial or ethnic group in individual personality development and upon the desirability of promoting social harmony. The recognition of the role of race and the physically observable racial differences in group dynamics is necessary to the successful teaching of young children. Social science, in the field of race relations, teach: *Sing? Pl?*

(a) That selective association or racial preference is a universal human trait, which manifests itself in all cultures and at a very early age - even in pre-school children - and *Citation available?* has a genetic basis, arising out of the biological processes of race formation;

(b) That physically observable racial differences form the basis of preferential association or social distance - i.e., the disposition of one group to avoid intimate social contact with another - and thus act as a focal point for group orientation.

(c) That the association of young persons with members of their own racial or ethnic group is beneficial to their personality development and social maturity, since ethnic group integrity (i.e., the association of individuals with those whom they share a common biological origin, cultural heritage, and consciousness of kind) aids in the development of a more stable self-concept, fulfills in-group identity needs, and provides an atmosphere most conducive to optimum social growth and maturity. Petitioners allege that to compel them to associate with members of a markedly diverse racial group while in attendance at the public schools of Chatham County would thus impair their personality development at a critical period in their social growth.

(d) That the compulsory association of two diverse and physically distinct racial groups in the public school system of Savannah-Chatham County, Georgia, will lead to an increase in tension and promote social disharmony due to the physical and temperamental contrasts between the two racial groups and due to the universal tendency of individuals to associate along racial lines where the diversity is gross. Where integration has introduced a large proportion of negroes into previously all white schools the decline in academic and socio-moral standards and the increase in social tension and inter-racial friction adversely affects the educational opportunities for the white children and results in the withdrawal from the public

schools of those white children who are able to afford other schooling. Petitioners and their parents are unable to run away as are those employed by government in Washington, D.C. or those who enjoy wealth elsewhere, and unless this court protects petitioners they will be forced to suffer that which the children of the economically privileged are ^{able} privileged to insulate their children from. Petitioners further allege that compulsory integration of negroes into the public schools of Savannah-Chatham County, Georgia, would tend to retard their educational and mental development and will affect their hearts and minds in a way unlikely ever to be undone. ✓

(e) Petitioners allege that even in hypocritically so-called "well-integrated" situations, where the proportion of negroes is minimal, and where there is no historical tradition of legal segregation, and where there is no overt racial animosity, social preferences in heterogeneous groups occur along racial lines. Irrespective of cause, free social contact between two races represented by complainants on the one hand and petitioners on the other will create special social problems that immature school children are not equipped to handle in the prevailing social climate such as: interracial social intercourse, interracial dating, interracial dancing, etc. Should the Savannah-

Chatham County School Board restrict or eliminate ~~xxxxxx~~ such school social activities, petitioners would be deprived of the opportunity afforded by those social relationships which are necessary for the development of a healthy and mature personality. Thus, should granting relief requested in plaintiff's complaint result in the compulsory integration of such a limited number of negroes into public schools of Chatham County, Georgia, as is hypocritically described as "well-integrated", and the educational and socio-moral standards were not so seriously impaired, as they would be in the event of full integration, ~~xxxxxxxx~~ exacerbated social problems would nevertheless arise and would in general tend to deprive petitioners of many of the benefits they now receive in a racially segregated school system.

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Petitioners further allege that if negro children suffer personality impairment on account of the existence of a social interval between them and white school children, said impairment is not the consequence of segregation itself but the same results from the total social situation wherein the negro diverges from the dominant standards of the most numerous group in so many ways as herein alleged, and as is well known to all people of character who have lived in Savannah, Georgia, that attempts to make psychological adjustments tend to complicate rather than solve problems. Savannah, Georgia, negroes have their own standards and reside in their own peculiar cultural complex

while Savannah whites have entirely different standards, cultural complexes, ethnic values and preferences. Psychological adjustments have not and may not be made or improved by legislative acts or court decrees in Savannah because, among other reasons, the psycho-behavioral syndrome of each ethnic group results from their status as distinctive groups physically, morally, mentally, psychologically and genetically and not as a result of legally sanctioned separation.

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Petitioners further allege that negroes socialized in schools in their own group tend to have: (a) more substantial self concepts and a lesser rejection of their own race; (b) to suffer less frustration and repressed hostility; and (c) exhibit greater race pride and solidarity.

Racial integration of the schools of Chatham County will, (a) intensify personality tensions and psychodynamic difficulties of negro children instead of alleviating them and (b) will tend to generate personality tensions and psychodynamic difficulties in white children resulting in effective impairment of educational processes in Chatham County. On the contrary, petitioners allege that racial integration cannot and will not serve any beneficial purpose for any of the school children parties in this cause.

Washington, D.C. is illustration, especially demonstrated in Thanksgiving football game

Petitioners allege that the establishment and the maintenance of separate but equal educational systems for whites and negroes in Savannah-Chatham County, Georgia, is the only means dictated by the reason and experience of those affected, for affording to both negro children and white children equal protection of the laws, and the only means whereby the members of each race may develop the unique combination of different abilities and traits each has so that the diverse talents, traits, gifts and capacities of each child and each race may be developed to the fullest extent.

Petitioners allege that racial differences are factual differences, that neither they nor those represented by them in Savannah-Chatham County have ever been a party or parties to or represented by counsel in any cause wherein an integration decree was entered and hence they are not bound by any decrees heretofore rendered between other parties. Furthermore, petitioners allege that in no case where integration of races has been ordered in public schools, has the court's decree been based upon experience or the lawful evidence of impartial ethnologists, geneticists, anthropologists, psychologists or sociologists, and in consequence, the integration decrees heretofore rendered have been based upon records wherein there was no evidence of such facts as are alleged

Excluded

in this intervention. Petitioners allege that had the evidence of experienced citizens and impartial scientists been developed before the court, on such pleadings as may have authorized the same, by the direct examination or the cross-examination of witnesses, and the production of documentary evidence, the courts would necessarily have found that there are vast differences between ethnic groups, as are alleged in this intervention which demanded a rational finding that racial segregation of school children affords the children of each group the fullest opportunity for developing a sense of superiority rather than that of inferiority beneficially affecting their motivation to learn and that racial integration has a tendency to retard the educational and mental development of negroes and whites and deprives them of the many benefits they naturally receive in competitive association with those of their own kin, kind and level.

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Petitioners show that while they have not been parties in any other case involving the questions here presented and are therefore not bound by the decision in any other case, they will be bound by the decision in this case, because the Savannah-Chatham County School Board will be bound.

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Petitioners further show that said School Board does not adequately represent them, and if said School Board adequately represents petitioners it likewise adequately represents complainants and, therefore, petitioners are entitled to intervene if complaints are entitled to complain.

WHEREFORE, petitioners pray that this court make inquiry and make findings in accordance with true facts and that in consequence the prayers of complainants petition be denied and that petitioners be awarded such general and equitable relief as is meet and proper in the premises.

SAVANNAH, GEORGIA

J. WALTER COWART

DALTON, GEORGIA

R. CARTER PITTMAN

MACON, GEORGIA

CHARLES J. BLOCH

NEW YORK, N.Y.

HARRY WEYHER
ATTORNEYS FOR PETITIONERS

STATE OF GEORGIA

COUNTY OF CHATHAM

Before me, the undersigned authority, personally
came and appeared J. WALTER COWART, who, after being
by me first duly sworn, did depose and say:

That he is the attorney for the forenamed petitioners
and that he has assisted in the preparation of the fore-
going petition and verily believes all allegations contained
therein to be true and correct to the best of his information,
knowledge and belief.

J. WALTER COWART

Sworn to and subscribed before me,
this ____ day of _____, 1962.

NOTARY PUBLIC, GEORGIA STATE AT LARGE

(SEAL)